

Bill No. 43-05
Concerning: Weapons – Restrictions –
Deer Management
Revised: 12/4/07 Draft No. 7
Introduced: December 13, 2005
Enacted: December 4, 2007
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

By: Councilmember Knapp

AN ACT to:

- (1) modify the circumstances under which a person may discharge a gun [[within and]]
in or outside the urban area;
- (2) modify the circumstances under which a person may discharge a bow;
- (3) repeal language authorizing a person to carry or discharge a [[firearm]] gun under
certain circumstances involving predatory animals;
- (4) make technical, clarifying, and stylistic changes to the law governing the discharge
of a weapon; and
- (5) generally amend the law governing weapons restrictions.

By amending

Montgomery County Code

Chapter 57, Weapons

Sections 57-1, 57-4, 57-5, 57-6, and 57-14

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

Sec. 1. Sections 57-1, 57-4, 57-5, 57-6, and 57-14 are amended as follows:

57-1. Definitions.

* * *

Record plat means a subdivision plat recorded in the County's land records.

* * *

Tax assessment record means the information maintained by the State Department of Assessments and Taxation in its Real Property Database on each parcel of real property located in the County, including the tax map for each parcel.

* * *

57-4. Discharge of guns in the urban area.

(a) *Prohibition.* [A] Except as provided in subsection (b), a **person**, other than a peace officer or employee of the Maryland Department of Natural Resources performing official duties, must not discharge a **gun** within the **urban area**.

(b) *Exceptions.* Except as provided in Sections 57-7 and 57-11, a **person** may discharge a **gun**:

[(a)] (1) on any indoor or outdoor target, trap, skeet, or shooting range that the [[Range Approval]] Firearms Safety Committee has inspected and approved in writing;

[(b)] (2) in a private basement or cellar target range;

[(c)] (3) when necessary to protect life or property;

[(d)] (4) to kill a dangerous animal;

[(e)] (5) for discharge of blank cartridges in musical and theatrical performances, parades, or sporting events;

[(f)] (6) for salutes by firing squads at military funerals; [or]

[(g)] (7) if approved by the Chief of Police, under a deer damage control permit issued by the Maryland Department of Natural Resources [and approved by the Chief of Police under Executive Regulation promulgated under **method (2)**]; [[or

(8) subject to the same restrictions imposed by Section 57-5(a) on the discharge of a **gun** outside the **urban area**:

- (A) for the purpose of deer hunting on private property that is at least 50 acres in size; or
- (B) on property owned by the Maryland-National Park and Planning Commission as a part of a deer management program conducted or sanctioned by the Commission.]]
- (8) for the purpose of deer hunting on private property that is at least 50 acres in size if:
- (A) the person discharges the **gun** from an elevated position;
- (B) the person does not load the **gun** until the person is located in the elevated position;
- (C) the person unloads the **gun** before descending from the elevated position;
- (D) the projectile has a downward trajectory;
- (E) the property owner complies with any public notice requirements in applicable regulations; and
- (F) the property owner gives written notice to the Chief of Police at least 15 days before any **gun** is discharged on the property which:
1. identifies the day or days on which deer hunting will occur;
 2. identifies the time that deer hunting will begin and end each day;
 3. lists the name of each individual who will participate in deer hunting; and
 4. includes a copy of the record plat or tax assessment record for the property; or
- (9) on property owned by the Maryland-National Capital Park and Planning Commission as a part of a deer management program conducted or sanctioned by the Commission that complies with safety requirements approved by the Chief of Police.
- (c) 50-acre threshold.

(1) Subject to the requirements of paragraph (2), up to 5 owners of contiguous parcels of property may aggregate their property to meet the 50-acre threshold in subsection (b)(8).

(2) If property owners aggregate their parcels to achieve the 50-acre threshold in subsection (b)(8), a person may discharge a **gun** for the purpose of deer hunting on the aggregated property if the person obtains written permission from each property owner, which must include a copy of the record plat or tax assessment record for each parcel in the aggregated property.

(d) A person who discharges a **gun** under the authority granted in subsection (b)(7), (b)(8), or (b)(9) is subject to the restrictions imposed by Section 57-5(a) on the discharge of a **gun** outside the **urban area**.

[(c)] (e) Regulations. The County Executive must adopt regulations under **method (2)** [[that establish]] which:

(1) establish procedures and criteria [[to be used by]] that the Chief of Police must use to [[determine]] decide whether it is safe to discharge a **gun** under the circumstances specified in subsection (b)(7); and

(2) to implement subsection (b)(8):

(A) require signs to be posted along the perimeter of each applicable property at least 15 days before any **gun** is discharged on the property;

(B) specify the size, wording, and location of each sign; and

(C) identify a method to determine the number of signs that must be posted.

57-5. Discharge of guns outside the urban area.

(a) Prohibition. [Outside] Except as provided in [[subsection (b)]] subsection (c)(1) through (c)(6), outside the **urban area**, a **person**, other than a peace officer or employee of the Maryland Department of Natural Resources performing official duties, must not:

(1) discharge a **gun**:

(A) [onto, across, or within 100 yards of] [[from, onto, or across]] onto, across, or within 50 yards of a public road;

- (B) onto or across property located within 50 yards of a public road;
- (C) into or within the safety zone ([200] 150 yards of a building or camp designed for human occupancy) without the owner or occupant's written consent; or
- (C) [on,] from, onto, or across public or private [land] property without the owner or occupant's written consent;
- (2) discharge a full metal jacketed bullet of any caliber from a **gun**; or
- (3) except as provided in subsection (b), discharge any **fixed ammunition** of a caliber higher than .25 caliber from a rifle or **pistol**.
- (b) Exception - High Caliber Ammunition. [Other **fixed ammunition** may be discharged from a rifle or **pistol** (in an area otherwise permitted by law) only] ~~[[If otherwise authorized by law, a]]~~ A person may discharge **fixed ammunition** of a caliber higher than .25 from a rifle or **pistol** at:
- (A) legal game or varmints on the ground; or
- (B) a target on or near the ground that will not deflect a bullet.
- ~~[[b)]]~~ (c) Other Exceptions. Except as provided in Sections 57-7 and 57-11, a **person** may discharge a **gun**:
- (1) on any indoor or outdoor target, trap, skeet, or shooting range that the ~~[[Range Approval]]~~ Firearms Safety Committee has inspected and approved in writing;
- (2) in a private basement or cellar target range;
- (3) when necessary to protect life or property;
- (4) to kill a dangerous animal;
- (5) for discharge of blank cartridges in musical and theatrical performances, parades, or sporting events;
- (6) for salutes by firing squads at military funerals; or
- (7) under a deer damage control permit issued by the Maryland Department of Natural Resources [and approved by the Chief of Police under Executive Regulation promulgated under **method (2)**].
- 57-6. Discharge of bows.**
- (a) Prohibition. A **person** must not discharge a bow in the County:

- (1) [onto, across, or within 100 yards of] from, onto, or across a public road;
 - (2) into or within 150 yards of a building or camp designed for human occupancy without the owner or occupant's written consent; or
 - (3) [on,] from, onto, or across public or private [land] ~~[[private]]~~ property without the owner or occupant's written consent;
- (b) Exception. [Paragraph] Subsection (a) does not apply to target archery practiced [under] in compliance with safety guidelines established ~~[[by]]~~ [Executive Regulation under] in regulations adopted under **method (2)** ~~[[regulations]]~~.

57-14. Exemptions from Chapter.

Nothing in this Chapter applies to the purchase, ownership, or possession of a bona fide antique **gun** that is incapable of use as a **gun**. [Except as provided in Sections 57-7 and 57-11, nothing in this Chapter prohibits the owner or tenant of any land from carrying or discharging a **firearm** on that land for the purpose of killing predatory animals which prey on, damage or destroy property, livestock, or crops.] Except as provided in Sections 57-7 and 57-11, nothing in this Chapter prohibits the owner or tenant of any land from carrying or discharging a **gun** on that land for the purpose of killing predatory animals which prey on livestock.

Approved:

Michael J. Knapp, President, County Council

Date

Approved:

Isaih Leggett, County Executive

Date

This is a correct copy of Council action.

Linda M. Lauer, Clerk of the Council

Date